1 2 3 4 5 6 7 8	KAMALA D. HARRIS Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General LESLIE E. BRAST Deputy Attorney General State Bar No. 203296 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 703-5548 Facsimile: (415) 703-5480 Attorneys for Complainant LYDIA ZANE, Senior Legal Analyst Telephone: (415) 703-5573 Facsimile: (415) 703-5480				
10		RE THE			
11	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA				
12	STATE OF C	LALIFORNIA			
13	In the Matter of the Accusation Against:	Case No. 2013 - 782			
14	CHRISTINE LYNN MULLIGAN a.k.a. CHRISTINE LYNN AWAD				
15	1300 Center Avenue # 201 Bay City, MI 48708	ACCUSATION			
16	Registered Nurse License No. 769154				
17	Respondent.				
18	Complete allegan				
19	Complainant alleges:				
20 21	PARTIES 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her				
22	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of				
23	Consumer Affairs.				
24		Roard of Registered Nursing issued Registered			
25					
26	Nurse License Number 769154 to Christine Lynn Mulligan, a.k.a. Christine Lynn Awad (Respondent). The Registered Nurse License was in full force and effect at all times relevant to				
27	the charges brought herein and will expire on March 31, 2014, unless renewed.				
		non 91, 2017, unicos renewod.			
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JURISDICTION

- 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Code section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

- 6. Section 2761 of the Code states in relevant part(s) that he board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.
- (d) Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.
- (e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

REGULATORY PROVISIONS

7. Section 1419 of the California Code of Regulations, title 16, subsection (d) states that as a condition of renewal, an applicant for renewal shall disclose on the renewal form whether, since he or she last renewed his or her license, he or she has had a license disciplined by a government agency or other disciplinary body. Discipline includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license held.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline) (Bus. & Prof. Section 2761, subd. (a)(4))

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), because on or about November 30, 2010, in a disciplinary action before the State of Michigan, Department of Community Health, Bureau of Health Professions, Board of Nursing Disciplinary Subcommittee (Michigan Board), entitled *In the Matter of Christine Lynn Mulligan, R.N., License Number: 47-04-243024*, File No. 47-10-116873, the Michigan Board issued a Final Order suspending Respondent's license to practice nursing in the State of Michigan for a minimum period of six months and one day. The circumstances underlying the discipline are that, on or about March 9, 2009, Respondent entered into a three year, dual diagnosis, non-disciplinary monitoring agreement administered by the Health Professional Recovery Program (HPRP) pursuant to her admitted diversion of a controlled substance, to wit, Vicodin, for personal use. The HPRP agreement required Respondent to obtain advanced approval of employment,

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abstain from the use of alcohol, controlled substances, and other mood-altering substances, submit to random drug screens, attend individual therapy as directed by the treating therapist, attend group therapy once a week, treat with medications prescribed by HPRP approved physicians, and submit monthly self-reports. HPRP terminated Respondent from the program for non-compliance with the conditions of the agreement, resulting in the suspension of her Michigan license.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – False Statement) (Bus. & Prof. Section 2761, subd. (d) and/or (e))

10. Respondent is subject to disciplinary action under Code section 2761, subdivision (d) and/or (e), pursuant to California Code of Regulations, Section 1419, subdivision (d), in that on or about February 18, 2012, Respondent falsely indicated that she had not had any license disciplined by a government agency or other disciplinary body when in fact, her license to practice nursing in the State of Michigan had been disciplined as set forth in paragraph 9, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 769154, issued to
 Christine Lynn Mulligan, a.k.a. Christine Lynn Awad;
- 2. Ordering Christine Lynn Mulligan, a.k.a. Christine Lynn Awad, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 18, 2013

LOUISE R. BAILEY, M.ED., RN

Executive Officer, Board of Registered Nursing,

Department of Consumer Affairs

State of California

Complainant

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